

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

DAKOCYTOMATION CALIFORNIA INC.,

Defendant.

C.A. No. 04-1522-GMS

**DEFENDANT'S NOTICE OF 30(b)(6) DEPOSITION OF PLAINTIFF VENTANA
MEDICAL SYSTEMS, INC.**

PLEASE TAKE NOTICE THAT, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant DakoCytomation California Inc. ("DakoCytomation") will take the deposition upon oral examination of Plaintiff Ventana Medical Systems, Inc. ("Ventana"). The deposition will commence at 9:00 a.m. on November 1, 2005 at the offices of Fish & Richardson P.C., 919 N. Market Street, Suite 1100, Wilmington, DE 19899, or at such other date and location agreed to by the parties, and will continue from day to day until completed. Ventana shall designate and provide one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, concerning the topics set forth in Schedule A.

The deposition will be recorded stenographically before a court reporter or other person authorized to administer oaths and may also be videotaped.

Dated: October 19, 2005

FISH & RICHARDSON P.C.

By: /s/ Timothy Devlin

Timothy Devlin (No. 4241)
919 North Market Street, Suite 1100
P.O. Box 1114
Wilmington, Delaware 19899
(302) 652-5070

Michael E. Zeliger (*pro hac vice*)
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, Massachusetts 02110
(617) 542-5070

Attorneys for Defendant,
DakoCytomation California, Inc.

SCHEDULE A

Definitions and Instructions

1. “Ventana” means Plaintiff Ventana Medical Systems, Inc. and any subsidiary, division, or corporate affiliate thereof.
2. “DakoCytomation” means Defendant DakoCytomation California Inc.
3. “The ‘901 patent” means U.S. Patent No. 6,827,901.
4. “Accused Products” means the Artisan Staining System.
5. DakoCytomation requests that Ventana identify the witness(es) who will testify as to each of the topics below, and the subject matter of each witness’ testimony, at least three business days prior to the deposition.
6. Each person designated by Ventana is requested to produce, at or prior to the deposition, all documents reviewed in preparation for the deposition. In the event a witness intends to refer to specific documents in responding to questions on a topic, the witness should bring those documents with him or her to the deposition.

Topics

1. The factual basis underlying Ventana’s responses to DakoCytomation’s first set of interrogatories.
2. Ventana’s knowledge of prior art material relevant to the patentability of the claims of the ‘901 patent.
3. The invention and reduction to practice of the subject matter claimed in the ‘901 patent.
4. The function and operation of any Ventana instruments covered by any claim of the ‘901 patent.

5. The factual basis of Ventana's allegation that the Accused Products infringe the '901 patent, including any investigations by Ventana supporting that allegation.
6. The factual bases relating to the type and amount of damages Ventana is seeking in this case.
7. Any offers by Ventana to license the '901 patent.
8. The factual basis for Ventana's decision to accuse DakoCytomation of willfully infringing the '901 patent.

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2005, I electronically filed with the Clerk of Court **DEFENDANT'S NOTICE OF 30(b)(6) DEPOSITION OF PLAINTIFF VENTANA MEDICAL SYSTEMS, INC.** using CM/ECF which will send notification of such filing(s) to the following:

Richard H. Morse
YOUNG, CONAWAY, STARGATT &
TAYLOR
The Brandywine Bldg., 17th Floor
1000 West Street
P.O. Box 391
Wilmington, DE 19899

Attorneys for Plaintiff
Ventana Medical Systems, Inc.

I hereby certify that on October 19, 2005, I have mailed by Federal Express Service, the document(s) to the following non-registered participants:

Ron E. Shulman
Roger J. Chin
WILSON SONSINI GOODRICH &
ROSATI
650 Page Mill Road
Palo Alto, CA 94304
(650) 493-9300

Attorneys for Plaintiff
Ventana Medical Systems, Inc

/s/ Timothy Devlin
Timothy Devlin